

Amendment No. 1 to HB1215

Kumar  
Signature of Sponsor

**AMEND Senate Bill No. 1339**

**House Bill No. 1215\***

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding another law to the contrary, a managed care organization (MCO) that contracts with the bureau of TennCare to provide medical assistance pursuant to this part shall not provide reimbursement or coverage for a medical procedure if the performance or administration of the procedure is for the purpose of:

- (1) Enabling a person to identify with, or live as, a purported identity inconsistent with the person's sex; or
- (2) Treating purported discomfort or distress from a discordance between a person's sex and asserted identity.

(b)

(1) The bureau of TennCare shall not contract with any MCO to provide medical assistance pursuant to this part if the MCO provides reimbursement or coverage for medical procedures prohibited under subsection (a) through:

- (A) A contract with the bureau of TennCare;
- (B) A private health insurance program regulated by this state;
- (C) A state or local insurance program in this state or another state; or
- (D) Any other program for insurance or medical assistance regulated or administered by another state.

(2) For purposes of subdivision (b)(1) and application of the prohibition in subsection (a), "MCO's coverage or reimbursement" includes coverage or reimbursement by:

(A) An entity using the same or similar name or trademark to provide healthcare coverage via a license or other means, regardless of whether the entity is an independently owned entity from the MCO contracting with TennCare or operating in a designated service area other than this state;

(B) An entity that is a member or licensee of the same parent association or federation as the MCO contracting with TennCare, regardless of whether the entity is operating in a designated service area other than this state; or

(C) An entity that is a subsidiary of the same parent company as the MCO contracting with TennCare, regardless of whether the entity is operating in a designated service area other than this state.

(c) Within thirty (30) days of the effective date of this act, the bureau of TennCare shall appropriately revise or amend the contract between a managed care organization (MCO) and the bureau of TennCare to comply with this section.

(d) An MCO that is in violation of this section and is contracting with the bureau of TennCare to provide medical assistance pursuant to this part on the effective date of this act shall come into compliance with this section, and provide documentation to the bureau of the MCO's compliance, no later than one hundred and twenty (120) days after the effective date of this act.

(e) The department of commerce and insurance is authorized to periodically review each MCO, pursuant to its authority under title 56, chapter 2, part 9, to ensure compliance with this section. If the department of commerce and insurance finds that an MCO is operating in violation this section, the department of commerce and insurance

shall provide notice to the MCO and the bureau of TennCare of the violation. The bureau shall immediately provide notice of the finding to the MCO. If the MCO fails to remedy a violation within ninety (90) days after receiving notice, then the MCO may contest the finding and request a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Any MCO found to be in violation pursuant of this section shall be prohibited from providing medical assistance pursuant to this part.

(f) As used in this section:

(1) "Hormone" means an androgen or estrogen;

(2) "Managed care organization" or "MCO" means a health maintenance organization, behavioral health organization, or managed health insurance issuer that participates in the TennCare program;

(3) "Medical procedure" means:

(A) Surgically removing, modifying, altering, or entering into tissues, cavities, or organs of a human being; or

(B) Prescribing, administering, or dispensing any puberty blocker or hormone to a human being;

(4) "Puberty blocker" means a drug or device that suppresses the production of hormones in a minor's body to stop, delay, or suppress pubertal development; and

(5) "Sex" means a person's immutable characteristics of the reproductive system that define the individual as male or female, as determined by anatomy and genetics existing at the time of birth.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.